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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

**In re:**

**CIRCUIT CITY STORES, INC., et al.,**

**Debtors.**

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**ALFRED H. SIEGEL, Trustee of the Circuit  
City Stores, Inc. Liquidating Trust,**

**Plaintiff,**

**v.**

**JOHN P. FITZGERALD, III, Acting United  
States Trustee for Region Four,**

**Defendant.**

Case No. 08-35653 (KRH)  
Chapter 11

(Jointly Administered)

Adversary Case No. 19-03060 (KRH)

**APPELLANT UNITED STATES TRUSTEE'S STATEMENT OF THE ISSUES  
AND DESIGNATION OF ITEMS FOR RECORD ON APPEAL**

Now comes John P. Fitzgerald, III, Acting United States Trustee for Region 4 (the  
"United States Trustee"), by and through the undersigned counsel and under Federal Rule of

Bankruptcy Procedure 8009(a)(1) hereby submits his statement of the issues and items to be included in the record on appeal.

**Issues on appeal:**

1. Did the bankruptcy court err when it granted the Motion of the Liquidating Trustee to Determine Extent of Liability for Post-Confirmation Quarterly Fee Payable to the United States Trustee Pursuant to 28 U.S.C. § 1930(a)(6)?
2. Did the bankruptcy court err when it held that the quarterly fees due and payable by the Circuit City Liquidating Trustee shall be determined based on the fee schedule set forth in the version of 28 U.S.C. § 1930(a)(6) that was effective on September 30, 2017?
3. Did the bankruptcy court err when it held that the 2017 amendment to 28 U.S.C. § 1930(a)(6) is unconstitutional as applied to this case due to lack of uniformity, in contravention of Clause 1 or Clause 4 of Article I, Section 8 of the Constitution?
4. Did the bankruptcy court err in denying the United States Trustee's motion for summary judgment?

**Items to be included in the record on appeal:**

Items Designated from <i>In re Circuit City Stores, Inc.</i> , Case No. 08-35653-KRH			
Item Number	File or Entry Date	Style or Description	Docket Entry
1	N/A	Docket sheet for Case No. 08-35653-KRH	N/A
2	11/10/2008	Voluntary Petition Under Chapter 11	1
3	11/10/2008	Order Granting Motion for Joint Administration	77
4	8/9/2010	Second Amended Joint Plan of Liquidation	8252

<b>Items Designated from <i>In re Circuit City Stores, Inc.</i>, Case No. 08-35653-KRH</b>			
<b>Item Number</b>	<b>File or Entry Date</b>	<b>Style or Description</b>	<b>Docket Entry</b>
5	9/14/2010	Order Confirming Modified Second Amended Joint Plan of Liquidation	8555
6	11/1/2010	Liquidating Trust Agreement	8864
7	5/30/2018	Trustee Quarterly Report	14166
8	9/12/2018	Trustee Quarterly Report	14181
9	12/5/2018	Trustee Quarterly Report	14190
10	2/27/2019	Trustee Quarterly Report	14195
11	3/28/2019	Liquidating Trustee's Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees	14197
12	3/28/2019	Notice of Constitutional Question re Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees	14198
13	3/28/2019	Notice of Motion and Notice of Hearing re Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees	14199
14	5/9/2019	Motion for Summary Judgment and Memorandum in Support filed by United States Trustee re Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees	14202
15	5/9/2019	United States Trustee's Objection to Motion to Determine Extent of Liability for Post-Confirmation Quarterly Fees	14203
16	6/5/2019	Liquidating Trustee's Response to Motion for Summary Judgment	14209
17	6/14/2019	United States Trustee's Supplemental Objection to Address Issues Raised at Hearing Held on June 12, 2019	14213
18	6/19/2019	Transcript of 6/12/2019 Hearing	14214
19	6/21/2019	Liquidating Trustee's Response to Supplement to Objection	14217
20	7/15/2019	Memorandum Opinion	14223
21	7/15/2019	Order	14224

Items Designated from <i>In re Circuit City Stores, Inc.</i> , Adversary Case No. 19-03060-KRH			
Item Number	File or Entry Date	Style or Description	Docket Entry
22	N/A	Docket sheet for Adversary Case No. 19-03060-KRH	N/A
23	7/15/2019	Adversary case 19-03060 Complaint	1
24	7/15/2019	Memorandum Opinion	2
25	07/15/2019	Order	3
26	7/26/2019	Notice of Appeal	4

Date: August 8, 2019

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By: /s/ Robert B. Van Arsdale

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**Certificate of Service**

I hereby certify that on August 9, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all ECF registrants in this case. I further certify that the foregoing was served on August 9, 2019, on the following parties by mailing a copy to the addresses below:

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